

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Michael S. Y. Wong, et al.	)	
	)	Art Unit: 2617
Application No.: 10/809,287-6055	)	
	)	Examiner: William George Trost IV
Filed: 3/24/2004	)	
	)	
Title WIRELESS LAN USING RSSI AND BER	)	
PARAMETERS FOR TRANSMISSION	)	
RATE ADAPTATION	)	

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and non-U.S. patent, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP § 609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56.

- ☒ This statement qualifies under 37 C.F.R. § 1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
     -- OR --
  - ☐ (2) It is being filed within 3 months of entry of a national stage  
     -- OR --
  - ☒ (3) It is being filed before the mail date of the first Office Action on the merits.  
     -- OR --
  - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114

- ☐ 37 C.F.R. § 1.97(c). If this statement is being filed after the period specified in § 1.97(b), but before the mailing date of the earlier of a final office action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, then:
- ☐ a certification as specified in § 1.97(e) is provided below; **or**
- ☐ a fee of \$180.00 as set forth in § 1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. § 1.97(d). If this statement is being filed after the period specified in § 1.97(c), but on or before payment of the issue fee, then:
- A. a certification as specified in § 1.97(e) is completed below; **and**
- B. a fee of \$180.00 as set forth in § 1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0574 (Docket No. ATH-0069-1P).

Respectfully submitted,

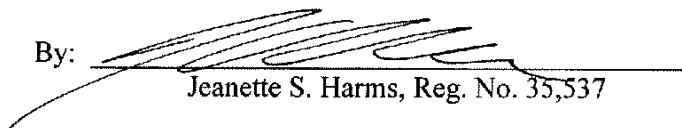
BEVER, HOFFMAN & HARMS, LLP

Dated: October 23, 2006

Telephone: (408) 451-5907

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By:

  
Jeanette S. Harms, Reg. No. 35,537

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				Application Number		10/809,287-6055		
				Filing Date		3/24/2004		
				First Named Inventor:		Michael S. Y. Wong		
				Examiner: William G. Trost IV		GROUP: 2617		
Sheet	1	of	1	Attorney Docket Number		ATH-0069-1P		
<b>U.S. PATENT DOCUMENTS</b>								
Examiner Initials*	Cited No. <sup>1</sup>	Document Number Number - Kind Code <sup>2 (if known)</sup>		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Figures Appear		
	A01	US-6,535,523	B1	03/18/2003	Karmi et al.			
	A02	US-6,549,759	B2	04/15/2003	Arviv et al.			
	A03	US-6,728,217	B1	04/27/2004	Amirijoo et al.			
	A04	US-6,757,255	B1	06/29/2004	Aoki et al.			
	A05	US-6,760,313	B1	07/06/2004	Sindhushayana et al.			
	A06	US-6,947,387	B1	09/20/2005	Saw			
	A07	US-6,985,453	B2	01/10/2006	Lundby et al.			
	A08	US-2002/0062472	A1	05/23/2002	Medlock et al.			
	A09	US-2002/0133584	A1	09/19/2002	Greuel et al.			
	A10	US-2002/0197999	A1	12/26/2002	Wu et al.			
	A11	US-2003/0021243	A1	01/30/2003	Hamalainen			
	A12	US-2006/0067278	A1	03/30/2006	Li et al.			
<b>FOREIGN PATENT DOCUMENTS</b>								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Cntry Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5 (if known)</sup>			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Figures Appear	T <sup>6</sup>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>								
EXAMINER SIGNATURE:					DATE CONSIDERED:			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2. \*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.